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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 U.S. EQUAL EMPLOYMENT  
17 OPPORTUNITY COMMISSION,

18 Plaintiff,

19 vs.

20 DEL TACO, LLC, AND DOES 1-10,  
21 INCLUSIVE,

22 Defendants.

Case No.

**COMPLAINT**

- **CIVIL RIGHTS**
- **EMPLOYMENT  
DISCRIMINATION**

(42 U.S.C. §§2000e, et seq.)

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

23 This is an action under Title VII of the Civil Rights Act of 1964 and Title I  
24 of the Civil Rights Act of 1991 ("Title VII") to correct unlawful employment  
25 practices on the basis of sex and retaliation and to provide appropriate relief to  
26 Charging Party Katelyn Mejia (hereinafter "Charging Party") and a class of  
27 similarly aggrieved individuals who were adversely affected by such practices.  
28 As set forth with greater particularity in paragraphs 16 to 25 of this Complaint,

1 Plaintiff U.S. Equal Employment Opportunity Commission asserts that Defendant  
2 Del Taco, LLC subjected Charging Party and a class of similarly aggrieved  
3 individuals to sexual harassment due to their sex, female, retaliated against, and  
4 constructively discharged in violation of Title VII.

5 **JURISDICTION AND VENUE**

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
7 1331, 1337, 1343 and 1345.

8 2. This action is authorized and instituted pursuant to § 706(f)(1) and  
9 (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-  
10 5(f)(1) and (3), (“Title VII”) and § 102 of the Civil Rights Act of 1991, 42 U.S.C.  
11 § 1981(a).

12 3. The employment practices alleged to be unlawful were committed  
13 within the jurisdiction of the United States District Court for the Central District  
14 of California.

15 **PARTIES**

16 4. Plaintiff U.S. Equal Employment Opportunity Commission (Plaintiff”  
17 or the “Commission”) is an agency of the United States of America charged with  
18 the administration, interpretation and enforcement of Title VII and is expressly  
19 authorized to bring this action by § 706(f)(1) and (3) of Title VII, 42 U.S.C. §  
20 2000e-5(f)(1) and (3).

21 5. At all relevant times, Defendant Del Taco, LLC has continuously been  
22 a California corporation doing business in Los Angeles County, State of California,  
23 and has continuously had at least fifteen (15) employees.

24 6. At all relevant times, Defendant Del Taco, LLC has continuously been  
25 an employer engaged in an industry affecting commerce within the meaning of  
26 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-1 (b), (g), and (h).

27 7. All of the acts and failures to act alleged herein were duly performed  
28 by and attributable to all Defendant(s), each acting as a successor, agent, alter ego,



1 employee, indirect employer, joint employer, integrated enterprise and/or under the  
2 direction and control of the others, except as specifically alleged otherwise. Said  
3 acts and failures to act were within the scope of such agency and/or employment,  
4 and each Defendant participated in, approved and/or ratified the unlawful acts and  
5 omissions by the other Defendants complained of herein. Whenever and wherever  
6 reference is made in this Complaint to any act by a Defendant or Defendants, such  
7 allegations and reference shall also be deemed to mean the acts and failures to act  
8 of each defendant acting individually, jointly, and/or severally.

9 8. Plaintiff is ignorant of the true names and capacities of each  
10 Defendant sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues  
11 said defendant(s) by fictitious names. The Commission reserves the right to amend  
12 the complaint to name each DOE defendant individually or corporately as it  
13 becomes known. Plaintiff alleges that each DOE defendant was in some manner  
14 responsible for the acts and omissions alleged herein and Plaintiff will amend the  
15 complaint to allege such responsibility when the same shall have been ascertained  
16 by Plaintiff.

### 17 **STATEMENT OF CLAIMS**

18 9. More than thirty days prior to the institution of this lawsuit, Charging  
19 Party filed a charge of discrimination with the Commission alleging violations of  
20 Title VII by Defendant Del Taco, LLC (hereinafter "Defendant" or "Del Taco").

21 10. Subsequent to Charging Party's filing of the charge of discrimination,  
22 the Commission investigated her allegations against Defendant.

23 11. On June 7, 2018, the Commission issued to Defendant a Letter of  
24 Determination finding reasonable cause to believe that Charging Party was  
25 sexually harassed due to her sex, female, was retaliated against, and was  
26 constructively discharged in violation of Title VII. The Commission further made  
27 like and related findings of reasonable cause to believe that a class of individuals  
28 were also sexually harassed due to their sex, female, and were constructively

1 discharged in violation of Title VII. The Commission further invited Defendant to  
2 join with the Commission in informal methods of conciliation to endeavor to  
3 eliminate the discriminatory practices and provide appropriate relief.

4 12. The Commission engaged in communications with Defendant to  
5 provide Defendant with the opportunity to remedy the discriminatory practices  
6 described in the Letter of Determination.

7 13. The Commission was unable to secure through informal methods of  
8 conciliation from Defendant a conciliation agreement acceptable to the  
9 Commission.

10 14. On August 10, 2018, the Commission issued to Defendant a Notice of  
11 Failure of Conciliation.

12 15. All conditions precedent to the initiation of this lawsuit have been  
13 fulfilled.

14 16. Since at least 2014, Defendant has engaged in unlawful employment  
15 practices in violation of §§ 703(a)(1) and 704 of Title VII, 42 U.S.C. §§ 2000e-  
16 2(a)(1) by subjecting the Charging Party and a class of similarly aggrieved  
17 individuals to harassment on the basis of their sex (female), retaliation for  
18 complaining about and/or opposing the unlawful employment practices, and  
19 constructively discharged.

20 17. At all relevant times, Defendant has been a company that provides fast  
21 food, including restaurant stores in Rancho Cucamonga, Pomona, Ontario and  
22 Upland, California.

23 18. Since at least 2014, Charging Party and class of similarly aggrieved  
24 individuals have been subjected to ongoing and unwelcome sexual harassment by  
25 at least three male employees (Defendant's Shift Leader, Defendant's General  
26 Manager, and co-worker), including but not limited to:

- 27 a. Charging Party, who was 16-18 years old at the time she worked  
28 for Defendant, was subjected to unwelcome conduct of a sexual



1 nature by her male Shift Leader. This conduct included but was  
2 not limited to sexually harassing comments such as: telling her that  
3 she has “dick-sucking lips,” “I love you baby,” “imagine this sauce  
4 with your lips,” “69” is his favorite sexual position and wanting to  
5 do that with her, “You are pretty,” “You are hot,” “You are sexy,”  
6 telling her he had a dream of having sex with her and another  
7 female co-worker and telling her it can become a reality, asking  
8 her about her sexual activity, and commenting that she has a nice  
9 buttock. The Shift Leader also subjected Charging Party to  
10 unwelcome physical contact, including but not limited to: grabbing  
11 her arm and asking, “Why do you act like you don’t want it,”  
12 touching her lower back and growling in her ear, and putting his  
13 hand on her hand.

14 b. During her employment with Defendant, Claimant 1, who was 17  
15 years old at the time, was also subjected to unwelcome conduct of  
16 a sexual nature by her male Shift Leader. This conduct included  
17 but was not limited to sexually harassing comments such as:  
18 calling her “his girl,” telling her that they should get married when  
19 she turned 18 years old, telling her to “drop it like it’s hot” and  
20 “dance for me baby.” The Shift Leader also subjected Claimant 1  
21 to unwelcome physical contact, including but not limited to:  
22 rubbing her arm as he was telling her that she was doing a good  
23 job.

24 c. During her employment with Defendant, Claimant 2 was also  
25 subjected to unwelcome conduct of a sexual nature by her male  
26 Shift Leader and her male General Manager. This conduct included  
27 but was not limited to sexually harassing comments by her Shift  
28 Leader such as: pointing out her buttock and telling her “big

1 money,” commenting how sexy Claimant 2 and her sister were,  
2 and commenting that female customers were his girlfriends and  
3 that he would take them home. The Shift Leader also subjected  
4 Claimant 2 to unwelcome physical contact, including but not  
5 limited to: placing his hands around Claimant 2 and other female  
6 co-workers’ hips and Hoover over them. Claimant 2 was also  
7 subjected to sexually harassing comments and unwelcome physical  
8 contact by her General Manager including but not limited to:  
9 patting her back and talking to her about a female co-worker’s  
10 breasts.

- 11 d. During her employment with Defendant, Claimant 3 was also  
12 subjected to unwelcome conduct of a sexual nature by her male  
13 Shift Leader and her male General Manager. This conduct included  
14 but was not limited to sexually harassing comments by her Shift  
15 Leader and her General Manager such as: commenting that she  
16 looked very pretty, telling her female co-worker that she had a nice  
17 body. Claimant 3 heard General Manager share about his sex life  
18 with the female cashiers during work.
- 19 e. During her employment with Defendant, Claimant 4 was also  
20 subjected to unwelcome conduct of a sexual nature by her male  
21 Shift Leader, her male General Manager, and her male co-worker.  
22 This conduct included but was not limited to sexually harassing  
23 comments by her Shift Leader such as: quoting vulgar songs to her,  
24 telling her to “shake that ass girl” and “back that ass up girl” when  
25 she bent over. The Shift Leader also subjected Claimant 4 to  
26 unwelcome physical contact, including but not limited to: brushing  
27 against, holding on to her and other female co-workers’ hips and  
28 shoulders. The Shift Leader also told Claimant 4 to “shake that ass



1 girl” and “back that ass up girl,” when she bent over. Claimant 4  
2 was also subjected to sexually harassing comments by her General  
3 Manager including but not limited to, telling her about his sexual  
4 life with his multiple girlfriends. Both her Shift Leader and her  
5 General Manager looked at Claimant 4 and her female co-workers  
6 up and down to the point she felt uncomfortable and violated. A  
7 male co-worker asked Claimant 4 out on dates and invited her to  
8 his house.

9 f. During her employment with Defendant, Claimant 5 was also  
10 subjected to unwelcome conduct of a sexual nature by her male  
11 Shift Leader and her male General Manager. This conduct included  
12 but was not limited to sexually harassing comments by her Shift  
13 Leader and her General Manager such as: telling her and other  
14 female employees that they were pretty. General Manager also told  
15 Claimant 5 “Merry Christmas sexy.”

16 19. The harassment was sufficiently severe or pervasive to alter the  
17 conditions of Charging Party’s and other adversely affected employees’  
18 employment and created a sexually hostile work environment. Charging Party and  
19 other adversely affected employees reasonably perceived their work environment  
20 to be sexually abusive or hostile work environment.

21 20. Charging Party and the other adversely affected employees did not  
22 welcome the sexual harassment by their Shift Leader, General Manager, and/or co-  
23 worker. Charging Party and the other adversely affected employees demonstrated  
24 that the sexual harassment was not welcome which included, but was not limited  
25 to, voicing their objections or dislike for the sexually harassing conduct,  
26 complaining to Defendant’s supervisors, Human Resources, Defendant’s 1-800  
27 hotline, and/or in the case of Charging Party filing a Charge of Discrimination with  
28 the EEOC.

1           21. Defendant knew or should have known of the sexual harassment of  
2 Charging Party and the other adversely affected employees because the Charging  
3 Party and other adversely affected employees complained about the sexual  
4 harassment to their supervisors, Human Resources, Defendant's 1-800 hotline,  
5 and/or to the EEOC, which then notified Defendant about the complaints.

6           22. Once Defendant knew or should have known of the sexual harassment  
7 of Charging Party and other adversely affected employees, Defendant failed to take  
8 prompt and effective remedial action reasonably calculated to end the harassment.  
9 Defendant's failures included, but was not limited to: failing to conduct an  
10 adequate investigation in response to the complaints, failing to adequately  
11 discipline harassing supervisors and/or co-workers, failing to follow complaint  
12 procedures and take sexual harassment complaints seriously, and actively deterring  
13 employees from making sexual harassment complaints.

14           23. Charging Party and adversely affected employees did not  
15 unreasonably fail to take advantage of any preventive or corrective opportunities  
16 by the employer or unreasonably fail to otherwise avoid harm. The working  
17 environment deterred complaints of sexual harassment. Despite the obstacles,  
18 numerous complaints were made by Charging Party and other adversely affected  
19 employees to supervisors, managers, Human Resources, and/or the EEOC, which  
20 then notified Defendant of the complaints.

21           24. In response to complaints of sexual harassment, Defendant took  
22 retaliatory action against Charging Party, including but not limited to reducing her  
23 hours of work in violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3.

24           25. For some employees, the sexual harassment and retaliatory conduct  
25 resulted in their constructive discharge because of the intolerable working  
26 conditions created by the hostile work environment. For example, the Charging  
27 Party and some of the class of similarly aggrieved individuals were forced to resign  
28 because of the sexual harassment.





1 including appropriate back pay and front pay with prejudgment interest on any  
2 lost pay and benefits, in amounts to be determined at trial;

3 D. Order Defendant to make Charging Party and a class of aggrieved  
4 individuals whole by providing compensation for past and future non-pecuniary  
5 losses resulting from the unlawful employment practices complained of above,  
6 including emotional pain, suffering, inconvenience, mental anguish, humiliation  
7 and loss of enjoyment of life, in amounts to be determined at trial;

8 E. Order Defendant to pay Charging Party and a class of aggrieved  
9 individuals punitive damages for its intentional, malicious, and reckless conduct  
10 described above in an amount to be determined at trial;

11 F. Award the Commission its costs of this action; and

12 G. Grant such further relief as the Court deems necessary and proper in  
13 the public interest.  
14

15 **JURY TRIAL DEMAND**

16 The Commission requests a jury trial on all questions of fact raised by its  
17 Complaint.

18 Dated: September 17, 2018

Respectfully Submitted

20 JAMES L. LEE,  
21 Deputy General Counsel

22 GWENDOLYN YOUNG REAMS,  
23 Associate General Counsel

24  
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U.S. EQUAL EMPLOYMENT  
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